

USSN 09/910,795

Art Unit: 1765

Remarks

By their amendments the applicants have corrected a formal error noted in the specification and also referred to the layers 22 and 26 as sacrificial layers consistent with the claims. The dependency of claim 17 has been corrected.

The antecedent objection in claim 27 has been corrected. Two new claims have been added, but since two claims have been cancelled, no additional fees are due.

The conditional allowance of claims 16 and 20 – 26 is noted with appreciation. Claim 27 has been amended to include reference to the top sacrificial layer and is therefore believed allowable for essentially the same reasons as claim 16 and 20. The Examiner agrees that the prior art fails to disclose the sacrificial layer over or on top (It doesn't have to be directly on top of) of the support layer.

However, it is respectfully that claim 1 as amended is also allowable. In one aspect the invention provides a method of making a microchannel wherein a series of overlapping cavities are formed under a pattern of spaced holes. It is not understood on what basis the Examiner states, with reference to former claim 2, that Figure 17 of Fitch shows the openings/holes arranged in a pattern along a channel. The cavities 28a of Fitch are independent and do not overlap. They cannot therefore collectively form a channel. The wording of claim 1 has been amended to make it clear that the overlapping cavities collectively form a continuous micro-channel.

There would be no motivation to make the cavities of Fitch overlap since his device would collapse and not function as intended if such were the case. It would thus be contrary to the teaching of Fitch to make his cavities 28a overlap. The idea of making a closed micro-channel by forming a pattern of holes, etching a series of overlapping cavities under the holes, and then closing the holes is not shown in the prior art. Claim 1 in its amended form is therefore believed to be patentable.

Moreover, Fitch does not disclose forming a further depositable layer over the support layer until overhanging portions meet. Fitch merely teaches forming the growing of material from the sidewalls of the holes (see col. 9, line 15 et seq. and Figure 15).

Reconsideration and allowance are respectfully requested.

Respectfully submitted,

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